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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,654	12/12/2001	Akseli Anttila	NC28554;BW04770.00031	7848

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EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,654

Applicant(s)

ANTTILA ET AL.

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 24, 25, 30-34, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 and 26-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 24, 25, 30-34, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20060628</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claims 1-20, 24-25, 30-34, 36-37 are pending in this application.

Applicant's arguments filed 7/17/06 have been fully considered but they are not persuasive.

In response filed, applicant argues in substance that:

- a. Crandall does not suggest synchronization between the two terminals (remarks, page 11-12).

In response to argument [a], Examiner disagrees for the at least following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The term "synchronization" is defined as:

- i. In networking, a communications transmission in which multi-byte packets of data are sent and received at a fixed rate.
- ii. In networking, the matching of timing between computers on the network.
- iii. In a computer, the matching of timing between the components of the computer so that all are coordinated.

- iv. In multimedia, precise real-time processing. Audio and Video are transmitted over a network in synchronization so that they can be played back together without delayed responses.
- v. In handheld computing, the process of updating or backing-up the data on a handheld computer to the linked software applications on a desktop computer
- vi. To cause to occur at the same time.

Please note the definitions are obtained from a well-known computer dictionary (Microsoft, Computer Dictionary, Fifth Edition by Michael Heim, page 506).

Crandall teaches the process of broadcasting the transmission of digital data stream from one terminal to the other until the connection is disconnected (col. 5 L1-30), and based upon the at least first and fourth definition, one of ordinary skilled in the art can clearly conclude that Crandall does suggest synchronization of data between two terminals because the transmission is occurring real-time.

- b. Hamilton is not concerned with and does not teach synchronizing the playback session of a media among multiple clients (remarks, page 12).

In response to argument [b], Examiner disagrees.

Hamilton, states: "the problem of latency, flow control and data loss, and data movement within a client system memory are solved in a distributed multimedia system so as to enable real-time transmission of broadcast quality media data over the network." (i.e. real-time processing, See Abstract).

Based on the at least fourth definition of the term “synchronization” presented above, one of ordinary skilled in the art can conclude that Hamilton expressly teaches the process of synchronizing the playback session of a media.

Furthermore, applicant admitted “Hamilton merely teaches providing real-time access to media data from as server to a single client playback system” (remarks, page 12). In other words, Applicant is admitting that Hamilton’s system does involve some kind of real-time processing of data between at least two systems, i.e. synchronizing the playback data among at least two systems, based on the definition above.

Furthermore, Hamilton teaches “a process for transferring media data for a plurality of streams from a server over a computer network to a client during synchronized playback of the media data, wherein the client has one or more output devices for playing back each stream, and wherein each stream has a buffer for storing media...(col. 14 L19-42). In other words, Hamilton does indeed teach and disclose the process of synchronizing the playback session of data among at least multiple terminals.

- c. Hamilton does not disclose, teach or suggest, “locally storing the media file in the second terminal.” (remarks, page 12).

In response to argument [c], Examiner disagrees for the at least following reasons:

Applicant stated, “Hamilton teaches away from “locally storing the media file in the second terminal.” Although ...Hamilton states that one of the advantages of its system is that “local disk space at each client computer is not needed to hold copies of media files. One copy of each file at the server is all that is needed...although no mention of locally storing the media file

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appears in claim 1, as corrected, claims 30-33 mention the feature of locally storing the media file (remarks, page 12).

Claim 30 recites, “The method of claim 1, wherein the media file is locally stored on the second terminal for playback”.

Please note that the claim does not recite that the local disk space at each client computer is holding copies of media files for playback. The claim simply suggests that the media file is locally stored on the second terminal for playback. The claim does not emphasize on defining what the second terminal is and/or might be.

Therefore, based on broadest reasonable interpretation, the second terminal can be interpreted as any other computer system including a server.

Hamilton clearly teaches the process wherein the server holds the copy of media file (col. 10 L10-41, i.e. media file is stored locally on the second terminal, in this case, the server).

Therefore, Crandall, Hamilton and Furhrer, do indeed disclose, teach and suggest all the features in claims 1-20, 24-25, 30-34, 36-37. As such, the REJECTION IS MAINTAINED.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 6/28/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

The 35 U.S.C. 112, second paragraph rejection presented in the prior office action has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8-20,23-25, 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,131 issued to Crandall et al.(Crandall) in view of US 6,223, 211 issued to Hamilton et al.(Hamilton).

As per claims 1, 11, 30-34,36-37, Crandall teaches method for synchronous media playback, comprising the steps of:

a communication interface(Fig.1); a storage medium(Fig.1); a media player(Fig.1);

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(a) transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user (Abstract, Figs. 1-3, col. 2, lines 25-36);

(b) relaying a media playback accept response from the second terminal to the first terminal (col. 4, lines 25-28).

Crandall however, does not explicitly teach (c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file that is locally stored on the second terminal in synchronization with the first terminal. Crandall, col. 3, lines 18-29, col. 5, lines 1-42, Fig. 1, teaches broadcasting of MPEG-compressed digital data stream, from one terminal (Internet/Online Subscriber) to another terminal (CATV subscriber). There is a suggestion of synchronization between two terminals in Fig. 1, element 180, 128. The picture of the baby is shown on both terminals.

Hamilton explicitly teaches synchronizing playback of a media file between two terminals (Claim 16) and locally storing the media file in the second terminal (Claim 16, Fig. 2 element 63; video memory).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Crandall to explicitly synchronize playback of a media file between two terminals and locally storing in the one of the terminals as taught by Hamilton in order to display a multimedia program to a viewer (Hamilton, col. 1, lines 55-65).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Crandall and Hamilton in order to provide a system to provide a multimedia to a user without problems of latency (Hamilton, Abstract, col.1, lines 15-65).

As per claim 2,12, further comprising the step of:

(d) distributing an action request between the first terminal and the second terminal during the playback session(Crandall, Abstract, Figs.1-3, col.3, lines 18-27).

As per claim 3, the method of claim 2, further comprising the step of: verifying permissions associated with the first terminal or the second terminal before executing step (d)(Crandall, col.4, lines 25-29).

As per claim 4, the method of claim 2, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment request, and a user-specified internal effect algorithm to modify audio or video of the media file (Crandall, Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 5,13, further comprising the step of:

(d) distributing a stop playback request from the first terminal to the second terminal in response to the host user terminating the playback session (Crandall, col.5, lines 11-25).

As per claim 8, the method of claim 1, further comprising the steps of

(d) receiving a stop playback request from the second terminal in response to the guest user withdrawing from the playback session (Crandall, col.3, lines 18-28); and

(e) removing a session entry that is associated with the second terminal, wherein the session entry indicates participation of the second terminal in the playback session (Crandall, col.3, lines 18-28, col.5, lines 11-31).

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As per claim 9, the method of claim 1, further comprising the steps of

(d) receiving a stop playback request from the first terminal in response to the host user ending the playback session (Crandall, Abstract, Figs.1-3, col.2, lines 47-58); and

(e) terminating the playback session in response to step (d) (Crandall, Abstract, Figs.1-3, col.2, lines 47-58).

As per claim 10, method of claim 1, further comprising the steps of

(d) instructing the second terminal to modify the media file in accordance with a modification file during the playback session(Crandall, Abstract, Figs.1-3, col.2, lines 47-58).

As per claim 14,23 a method for synchronous media playback and messaging for a host user, the method comprising the steps of

(a) sending a media playback invite request to an other terminal in response to a host user initiating an invitation to a guest user, wherein the guest user is associated with the other terminal(Abstract, col.2, lines 20-58);

(b) receiving a media playback accept response from the other terminal in response to step (a)(col.2, lines 20-58); and

(c) sending a start playback request to the other terminal in response to step (b), wherein the start playback request begins a playback session of a media file in synchronization with the host user(col.2, lines 20-58,col.3, lines 18-28, col.5, lines 1-42, Fig.1).

As per claim 15,24, further comprising the step of:

(d) sending an action request to the other terminal, in response to the host user initiating the request(Crandall, Abstract, col.5, lines 10-20).

As per claim 16,25, the method of claim 14, further comprising the step of:

(d) receiving an action request from the other terminal, in response to the guest user initiating the request(Crandall, Abstract, col.5, lines 10-22).

As per claim 17, the method of claim 15 or claim 16, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment, and a request for a user-specified internal effect algorithm to modify audio or video of the media file(Crandall, Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 18, the method of claim 14, further comprising the step of:

(d) sending a stop playback request to the other terminal in response to the host user terminating the playback session(Crandall, Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 19, the method according to any of the claims 14, 15, 16 or 18, wherein the requests are processed through a server (Crandall, Figs.1-3).

As per claim 20, the method of claim 14, wherein steps (a), (b), and (c) utilize a wireless communications channel (Crandall, Figs.1-3).

As per claim 35, the central server of claim 34, wherein the computer-readable medium comprises more than one logical components (Crandall, Figs.1-3).

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Claims 6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,131 issued to Crandall et al.(Crandall) in view of US 6,223, 211 issued to Hamilton et al.(Hamilton) in further view of US Publication 2002/0095612 issued to Furhrer et al.(Furhrer).

Crandall in view of Hamilton, teaches all the limitations of claim 1, however does not explicitly teach as per claim 6, and 7, the use of internal time in a device which is derived from a global time to synchronize communication link.

Furhrer teaches the use of internal time in a device which is derived from a global time to synchronize communication link(Abstract, paragraph 26).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Crandall in view of Hamilton to use the internal time in a device which is derived from a global time to synchronize communication between two devices as taught by Furhrer in order to make sure that two devices have synchronized communication.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Crandall, Hamilton, and Furhrer in order to provide a system where data transmission from one device to another are synchronized.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Saxena et al., U. S. Patent No. 5,805,821.
- Agarwal et al., U. S. Patent No. 6,314,466 B1.
- Schmidt et al., U.S. Patent No. 6,353,174 B1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

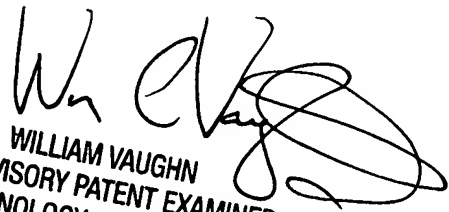
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kamal Divecha
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August 4, 2006.



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